

(Mayor Potter)

**CITY OF KIRTLAND**

**RESOLUTION NUMBER 23-R-59**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH SPECIALIZED CONSTRUCTION, INC. TO PAVE VARIOUS ROADS IN THE CITY PER ITS 2023 PAVEMENT REHABILITATION CONTRACT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Engineer, in conjunction with the Director of Public Service and the Mayor, has prepared a recommendation of paving various roads within the City of Kirtland, said report has been titled the 2023 Pavement Rehabilitation Project; and

**WHEREAS**, this Council has previously passed 23-R-50 to select various vendors for work to be done in furtherance of that project; and

**WHEREAS**, this Council has also passed 23-O-10 setting forth the appropriations for the year, including an appropriation for the 2023 Pavement Rehabilitation Project; and

**WHEREAS**, Section 5513.01 (B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles; and

**WHEREAS**, the City of Kirtland has previously passed Resolution 22-R-56 granting the Director of Public Service the authority to make certain transactions on behalf of the City of Kirtland pursuant to ODOT's Cooperative Purchasing Powers; and

**WHEREAS**, the Director of Public Service has reviewed proposals submitted through the ODOT Cooperative Purchasing Program for additional work to be performed in patching and paving various roads within the City; and

**WHEREAS**, the Director of Public Service hereby recommends that this Council select Specialized Construction, Inc. for work to be performed in accordance with its bid on ODOT's Cooperative Purchasing Program for the following roads: Hobart Road, Regency Woods Drive, Crary Lane, Far-Bar Road, Hillcrest Road, and Highland Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

**SECTION I.** The Director of Public Service is authorized to enter into a contract with Specialized Construction, Inc., pursuant to its bid in ODOT Contract 101G-24 for rehabilitation work on the following roads: Hobart Road, Regency Woods Drive, Crary Lane, Far-Bar Road, Hillcrest Road, and Highland Court Said amount shall be in conformance with the appropriated funds for the City’s road program as enumerated in its Annual Appropriations, which may be amended from time to time, but shall not exceed the amount of \$300,000.00 unless given further authority by this Council.

**SECTION II.** The Director of Public Service is hereby authorized to agree in the name of the City of Kirtland to be bound by all terms and conditions as the Director of Transportation prescribes.

**SECTION IV.** That the City of Kirtland agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Kirtland agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Kirtland may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

**SECTION V:**

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the usual and customary operations of the City, particularly by utilizing the best rates possible to pay for road materials and maintain or fix this City’s roads. Therefore, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2023.

ATTEST:

Approved by the Mayor, this \_\_\_\_ day  
of \_\_\_\_\_, 2023.

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Clerk of Council

Specialized Construction – ODOT Co-Op Road Rehab 2023

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Mayor Kevin F. Potter